

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
- against -	:	20 Cr. 493 (VSB)
	:	
	:	<u>ORDER</u>
LOUIS LLUBERES,	:	
a/k/a “Luis Lluberes,”	:	
MOISES LLUBERES,	:	
MARIA AGUILAR, a/k/a “Maria Hewitt,” and	:	
MARIA LOPEZ,	:	
	:	
Defendants.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

The Indictment charges Defendants Louis Lluberes, a/k/a “Luis Lluberes” (“Louis Lluberes”), Moises Lluberes (“Moises Lluberes”), Maria Aguilar, a/k/a “Maria Hewitt” (“Aguilar”), and Maria Lopez (“Lopez”) (together, “Defendants”) in Indictment 20 Cr. 493 (VSB) (Doc. 2 (“Indictment”)) with (1) conspiracy to commit bank fraud and wire fraud, in violation of 18 U.S.C. § 1349 in Count One; (2) substantive wire fraud, in violation of 18 U.S.C. §§ 1343 and 2 in Count Two; (3) substantive bank fraud, in violation of 18 U.S.C. §§ 1344 and 2 in Count Three; and (4) conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h) in Count Four. Currently before me are Defendants’ pretrial motions. Specifically, (1) Louis Lluberes seeks dismissal of Count Four of the Indictment, a bill of particulars, and an order directing the Government to search for, identify, and produce Rule 16 and Brady materials in their files, (Doc. No. 119); (2) Moises Lluberes seeks a bill of particulars, an order directing the Government to identify *Brady* material and make certain disclosures, suppression of evidence seized pursuant to two search warrants, suppression of his post-arrest statements, striking of

alleged surplusage from the Indictment, and dismissal of Count Four of the Indictment, (Doc. No. 125); (3) Maria Aguilar seeks an order directing the Government to disclose any statements she made to the forensic accountant during the investigation of Resource Employment Services, and dismissal of the Indictment “for impermissible vagueness,” (Docs. 116, 118); and (4) Maria Lopez seeks severance from her co-defendants, and an order directing early pretrial disclosure of trial exhibits and witnesses, and production of *Brady* materials and Rule 404(b) “bad acts” evidence, (Docs. 120, 121). This order provides a decision about each of the motions. I will issue a detailed written opinion in the coming weeks explaining the legal basis for my decisions. It is hereby

ORDERED that Louis Lluberes’s motion seeking dismissal of Count Four of the Indictment, a bill of particulars, and an order directing the Government to search for, identify, and produce Rule 16 and *Brady* materials in their files, is DENIED;

IT IS FURTHER ORDERED that Moises Lluberes’s motion seeking a bill of particulars, an order directing the Government to identify *Brady* material and make certain disclosures, suppression of the evidence seized pursuant to two search warrants, suppression of his post-arrest statements, striking of alleged surplusage from the Indictment, and dismissal of Count Four of the Indictment, is DENIED;

IT IS FURTHER ORDERED that Maria Aguilar’s motion seeking an order directing the Government to disclose any statements she made to the forensic accountant during the investigation of Resource Employment Services, and dismissal of the Indictment “for impermissible vagueness,” is DENIED;

IT IS FURTHER ORDERED that Maria Lopez’s motion seeking severance from her co-defendants, and an order directing early pretrial disclosure of trial exhibits and witnesses, and

production of *Brady* materials and Rule 404(b) “bad acts” evidence, is DENIED IN PART AND GRANTED IN PART;

IT IS FURTHER ORDERED that the Government is directed to identify the documents comprising the so-called Fictitious Receivable defined in the Indictment six weeks prior to the start of jury selection;

IT IS FURTHER ORDERED that the Government is directed to disclose Rule 404(b) evidence related to each defendant, produce the exhibits it intends to offer in its case-in-chief and a list of witnesses it intends to call at trial four weeks prior to the start of jury selection;

With regard to the Government’s production of material pursuant to Title 18, United States Code, Section 3500 (“3500 Material”), the Government is urged to produce the 3500 Material for witnesses it intends to call during the first week of trial three weeks prior to the start of jury selection, and thereafter to endeavor to produce the 3500 Material for witnesses to be called after the first week of trial at least one week prior to each witness’s anticipated testimony. The Court understands that the Government may need to supplement its trial exhibits and 3500 Material as the trial progresses.

SO ORDERED.

Dated: April 29, 2022
New York, New York

A handwritten signature in dark ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written in a larger, more prominent script than the last name "Broderick".

Vernon S. Broderick
United States District Judge